

**REMARKS**

Reconsideration of the present application as amended is respectfully requested. Claims 10-12 have been amended. Claims 13 and 14 have been canceled. Claims 1-12, and 15-16 are currently pending.

Claims 1-8 and 15-16 have been indicated as allowed. Claims 9-11 and 14 have been indicated as having allowable subject matter. Applicant wishes to thank the Examiner for the allowance of claims 1-8 and 15-16 and the indication of allowable subject matter with respect to claims 9-11 and 14.

Claims 9-11 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Regarding claim 9, the Office Action indicates that there is insufficient antecedent basis for the limitation "The wireless communication device" in line 1. The Office Action indicates that claims 10-11 are rejected due to dependency to rejected claim 9. Claims 9-11 have been indicated by the Examiner as allowable if rewritten to overcome the rejections under 35 U.S.C. 112, second paragraph. Claim 9-11 have been amended. Claim 9 has been amended to change the phrase "The wireless communication device of claim 7, wherein the device comprises a digital communication receiver" to "The digital communication receiver of claim 7, wherein the digital communication receiver comprises a wireless communication device." Claims 10 and 11 have been amended to change the term "wireless communication device" to "digital communication receiver." In addition, claims 10 and 11 have been amended to change their respective dependencies from claim 9 to claim 7. Applicant respectfully submits that claims 9-11 as amended do not suffer from a lack of antecedent basis and requests that the 35 U.S.C. 112, second paragraph rejection of claims 9-11 be withdrawn.

Claims 12-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,537,438 to Mourot et al. ("Mourot") in view of admitted prior art of the instant application. Claim 14 has been objected to as being dependent upon a rejected base claim, but has been indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended independent claim 12 to include the subject matter of claim 14. Claims 13 and 14 have been canceled. Applicant

respectfully submits that independent claim 12 as amended distinguishes over the art of record and requests that the 35 U.S.C. 103(a) rejection of claim 12 be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: September 22, 2004

Respectfully submitted,

By Michael W. Maddox

Michael W. Maddox

Registration No.: 47,764

JENKENS & GILCHRIST, A PROFESSIONAL  
CORPORATION

1445 Ross Avenue, Suite 3200

Dallas, Texas 75202

(214) 855-4500

Attorneys For Applicant